



Office of the Attorney General  
State of Texas

March 15, 1993

DAN MORALES

ATTORNEY GENERAL

Mr. Hubert Oxford, III  
Benckenstein, Oxford & Johnson  
Attorneys at Law  
3535 Calder Avenue  
Post Office Drawer 150  
Beaumont, Texas 77704

OR93-109

Dear Mr. Oxford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18302.

Lamar University (the "university"), which you represent, has received a request for certain attorney fee bills and other documents. Specifically, the requestor seeks "bid documents, purchase orders, vouchers, and supporting documents to . . . Orgain, Bell and Tucker (FY 93 voucher numbers L01691, L02355, and L02371)." You have submitted the requested information to us for review and claim that it is excepted from required public disclosure by sections 3(a)(1) and 3(a)(3) of the Open Records Act.

To secure the protection of section 3(a)(3), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). You advise us that litigation styled *Idoux v. Lamar University System, et al*, Cause No. 1:92CV440, is currently pending in the United States District Court for the Eastern District of Texas, Beaumont Division. However, you have not made the requisite showing that the requested information relates to this litigation. It is not apparent to us that the attorney fee bills are at issue in the litigation, or otherwise relate to the litigation. Accordingly, we conclude that the requested records may not be withheld from required public disclosure under section 3(a)(3) of the Open Records Act.

You also claim that section 3(a)(1) in conjunction with the attorney-client privilege excepts the requested information from required public disclosure. Although this office has frequently cited section 3(a)(1) to except from required public disclosure information within the attorney-client privilege, the privilege is more specifically covered under section 3(a)(7). Open Records Decision No. 574 (1990). Section 3(a)(7) protects

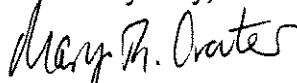
matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure. [Footnote omitted.]

Attorney fee bills may be withheld under section 3(a)(7) only if they reveal legal advice or opinion or client confidences. Open Records Decision No. 589 (1991). A governmental body seeking to withhold attorney fee bills under section 3(a)(7) must identify the portions that contain legal advice or opinion or client confidences. *Id.* In Open Records Decision No. 574, this office noted that an attorney's "mere documentation of calls made, meetings attended, or memos sent is not protected under section 3(a)(7)."

We have examined the documents submitted to us for review. Generally, they reflect calls made, meetings attended, and memos sent and on their face reveal no legal advice or client confidences. As you have not identified specific portions of these documents containing legal advice or opinion or client confidences, we have no basis to conclude that they may be withheld from required public disclosure under section 3(a)(7) of the Open Records Act. Accordingly, the requested information must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-109.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/GCK/le

Ref.: ID# 18302  
ID# 18422

cc: Ms. Amy Castaneda  
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